

Message Text

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ACTION SNM-02

INFO OCT-01 NEA-10 IO-13 ISO-00 DEAE-00 CIAE-00 INR-07
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E.O. 11652: N/A
TAGS: SNAR IN
SUBJECT: CONGRESSIONAL HEARINGS ON DECRIMINALIZATION
OF MARIJUANA

REF: STATE 057902

1. EMBOFF OBTAINED FOLLOWING INFORMATION CONCERNING
MARIJUANA LAWS IN INDIA FROM MINISTRY OF FINANCE
OFFICIAL A.P. AGRAWAL, WHO HANDLES ALL NARCOTICS
LEGISLATION INHERITED FROM THE BRITISH. AGRAWAL SAID
THAT UNDER INDIAN CONSTITUTION, MARIJUANA CONTROL
IS A "STATE SUBJECT" AND NOT SUSCEPTIBLE TO LEGISLATION
BY THE CENTRAL GOVERNMENT. ALL BUT FOUR OF THE INDIAN
STATES HAVE BANNED THE CULTIVATION AND USE OF MARIJUANA.
IN THESE AREAS POSSESSION OF ANY AMOUNT OF MARIJUANA
IS PUNISHABLE BY PRISON SENTENCE OF UPTO TWO OR THREE
YEARS. STATE LAWS DO NOT DISTINGUISH PURPOSE OF THE
POSSESSION, I.E. WHETHER FOR PERSONAL USE, TRAFFICKING,
OR PUSHING. IN PRACTICE, THE MARIJUANA USER IS NEVER
ARRESTED AND ENFORCEMENT MACHINERY PICKS UP TRAFFICKERS
EXCLUSIVELY. THE COURTS HAVE BEEN VERY LENIENT IN
MARIJUANA CASES, RARELY IF EVER IMPOSING MAXIMUM PENALTY.
AGRAWAL SAID COURT WILL FREQUENTLY SENTENCE CONVICTED
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DEFENDANT TO CONFINEMENT "UNTIL THE RISING OF THE COURT".

2. CENTRAL GOVERNMENT IN NARCOTICS LEGISLATION DEALING WITH
AREAS OTHER THAN MARIJUANA WILL ATTEMPT TO DISTINGUISH
BETWEEN PRIVATE USE, TRAFFICKING AND PUSHING, AND HOPES
THAT THESE DISTINCTIONS WOULD SUBSEQUENTLY BE
REFLECTED IN STATE MARIJUANA LAWS. IN ANY EVENT, GOI IS

NOT INTENDING ANY STEPS TOWARDS DECRIMINALIZATION.

3. UNDER SINGLE CONVENTION GOI IS OBLIGATED TO END LEGAL CULTIVATION AND USE IN MADHYA PRADESH, BIHAR, ORISSA AND WEST BENGAL BY 1989. AT THE PRESENT TIME, CULTIVATION IS BY PRIVATE GROWERS OPERATING UNDER STATE GOVERNMENT LICENSES AND STATE GOVERNMENT IS SOLE BUYING AGENT. MARIJUANA IS SOLD BY STATE LICENSED SHOPS FOR RETAIL USE ONLY. POSSESSION OF MORE THAN SMALL QUANTITIES OF MARIJUANA BY UNAUTHORIZED PERSON IS CRIMINAL OFFENSE IN THESE STATES.SCHNEIDER

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Message Attributes

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